

Nays—13.

Alderdice.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Robbins.
Caldwell.	Smith.
Decherd.	Suiter.
Gibson.	Westbrook.
Johnson of Hall.	

Present—not Voting.

Johnston of Harris.

Absent.

Clark.	Harley.
Dayton.	Strickland.
Hall.	Woodward.

Absent—Excused.

Dean.	Hopkins.
Henderson.	Hudspeth.

Senator Bee raised the point of no quorum.

The Chair held that there being twenty Senators present, that number constitutes a quorum.

Simple Resolution No. 22.

(Pending.)

Senator McNealus moved the previous question on the adoption of the resolution, which motion being duly seconded, the main question was ordered.

Action recurred upon the adoption of the resolution, the roll was called, the result being as follows:

Yeas—13.

Alderdice.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Robbins.
Floyd.	Smith.
Gibson.	Suiter.
Johnson of Hall.	Westbrook.
Johnston of Harris	

Nays—5.

Bailey.	McCollum.
Bee.	Page.
Caldwell.	

Absent.

Clark.	Parr.
Dayton.	Strickland.
Hall.	Woodward.

Absent—Excused.

Dean.	Hopkins.
Henderson.	Hudspeth.

Pair Recorded.

Senator Decherd (present), who would vote "yea"; Senator Harley (absent), who would vote "nay."

Adjournment.

There being no quorum present, Senator Bailey, at 6 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow.

The motion prevailed.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, August 17, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Smith.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Harley.
Bailey.	Johnson of Hall.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent—Excused.

Dean.	Hudspeth.
Henderson.	Johnston of Harris.
Hopkins.	McCollum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator McNealus.

Excused.

Senator Johnston of Harris for today and tomorrow, on account of important business, on motion of Senator Bailey.

At Ease.

By unanimous consent and on re-

quest of Senator McNealus, the Senate stood at ease for thirty minutes.

In the Senate.

The Senate was called to order by President Pro Tem. Smith.

Message from the Governor.

Here a messenger from the Governor appeared at the bar of the Senate and presented the following message, which was laid before the Senate:

Pending the reading of the message, Senator McNealus arose to ask concerning the date of the message.

Senator Bee made the point of order that the reading of the message can not be interrupted, and must be continued.

The Chair directed the Secretary to read the message, beginning with the date line, which he did, the message being as follows, to wit:

Governor's Office,
Austin, Texas, Aug. 10, 1917.

To the Texas State Senate:

I ask the advice, consent and concurrence of the Senate in the following vacation appointments:

Hon. S. M. King, to be associate justice of the Court of Civil Appeals, Ninth District, appointed May 31, 1917, to succeed Judge A. E. Davis, deceased.

Hon. W. A. Patrick of Falls County, to be judge of the Eighty-second Judicial District of Texas, appointed May 29, 1917.

Hon. H. S. Morehead of Robertson County, to be judge of the Eighty-fifth Judicial District of Texas, appointed June 22, 1917.

Hon. George E. Hosey of Tarrant County, to be judge of the Criminal District Court of Tarrant County, appointed June 21, 1917.

Hon. Joel R. Bond of Kaufman County, to be judge of the Eighty-sixth Judicial District of Texas, appointed June 14, 1917.

Hon. Walter F. Timon of Nueces County, to be judge of the Criminal Court of Nueces, Kleberg, Willacy and Cameron Counties, appointed July 7, 1917.

Hon. Clifford Stone of Rusk County, to be district attorney of the Fourth Judicial District of Texas, appointed July 25, 1917, to succeed Hon. W. C. Strong, resigned.

Hon. Covey C. Thomas of La Salle County, to be judge of the Eighty-first Judicial District of Texas, appointed August 3, 1917.

Hon. B. D. Tarleton, Jr. of Bee County, to be district attorney of the Thirty-sixth Judicial District of Texas, appointed August 3, 1917.

Hon. W. G. Love of Harris County to be member Board of Regents University of Texas, appointed June 1, 1917, to succeed Dr. George S. McReynolds, resigned.

Hon. John L. Ward of Bell County, to be member Board of Regents University of Texas, appointed June 10, 1917, to succeed Hon. J. P. Tucker, resigned.

Hon. Frank McKnight, Webb Rose, J. P. Fielder, James Ditto and Leslie Coulter, all of Tarrant County, to be members of the board of managers Grubbs Vocational College, appointed July 2, 1917.

Hon. Curtis Hancock of Dallas County, Hon. H. C. Odle of Bosque County, and Hon. Thomas R. McLean of Titus County, to be members of the State Highway Commission, appointed June 4, 1917.

Hon. Will P. Brady of El Paso County, to be judge of the county court at law of El Paso County, appointed June 22, 1917.

Hon. I. T. Valentine of Tarrant County, to be judge of the county court for civil cases, Tarrant County, appointed June 25, 1917, to succeed Hon. George E. Hosey, resigned.

Respectfully submitted,

JAS. E. FERGUSON,
Governor of Texas.

Executive Session.

After the message had been read, Senator Bailey moved that the same be referred to the Committee on Nominations of the Governor; and that the Senate set next Tuesday morning at 11 o'clock as the hour for executive session for consideration of the nominations contained in the foregoing message.

The motion prevailed.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Bills and Resolutions.

Morning call concluded.

Simple Resolution No. 22.

The Chair laid before the Senate as pending business,

S. R. No. 22, relating to recess appointments by the Governor (see Journal of yesterday for the resolution in full).

The resolution was read and adopted by the following vote:

Yeas—13.

Alderdice.	McNealus.
Buchanan of Bell.	Robbins.
Buchanan of Scurry.	Smith.
Decherd.	Strickland.
Floyd.	Sulter.
Johnson of Hall.	Westbrook.
Lattimore.	

Nays—9.

Bailey.	McCollum.
Caldwell.	Page.
Clark.	Parr.
Hall.	Woodward.
Harley.	

Present—Not Voting.

Dayton.	Gibson.
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Absent—Excused.

Dean.	Hopkins.
Henderson.	Hudspeth.

Pair Recorded.

Senator Bee (present), who would vote "nay;" Senator Johnston (absent), who would vote "yea."

Senator McNealus moved to reconsider the vote by which the resolution was adopted, and table that motion.

The motion to table prevailed.

Reasons for Vote.

I vote "no" on Simple Resolution No. 22, offered by Senator McNealus, for the following reasons:

I am in favor of all that part of the resolution which relates to the action of C. W. Woodman and Frank Swor, but I do not believe that the Senate of Texas has the right to declare that all offices now filled by recess appointments of the Governor became "ipso facto" void by reason of the failure of the Governor to

send their names to the Senate for confirmation during the first ten days of this session.

I am of the opinion that the Governor should have sent to the Senate the names of his appointees for confirmation, but I do not think that such offices became void by reason of such failure.

PAGE.

Simple Resolution No. 23.

(By unanimous consent.)

Be it resolved by the Senate of Texas, that the Secretary of State be and he is hereby requested to furnish to the Secretary of the Senate, not later than 12 o'clock noon, Saturday, August 18, 1917, for the information of the Senate, the name and office of every officer to whom any commission has been issued, except to notaries public, from the office of said Secretary of State since May 17, 1917.

LATTIMORE.

The foregoing resolution was read and adopted by the Senate.

Simple Resolution No. 24.

(By unanimous consent.)

Whereas, Hon. O. W. Gillespie for many years an honored member of Congress from the Twelfth District is in the city; therefore be it

Resolved, That he be invited to address the Senate, and be accorded the privileges of the floor.

LATTIMORE.

The resolution was read and adopted and the Hon. O. W. Gillespie was presented to the Senate and made a brief address.

Senate Concurrent Resolution No. 3.

(By unanimous consent.)

Be it resolved by the Senate, the House of Representatives concurring; that,

Whereas, the interest of the cotton growers of our state has always been of paramount interest to our people; and

Whereas, it has come to the knowledge of the Senate that the Honorable J. T. Heflin, a member of Congress from

Alabama, will shortly visit the State; and,

Whereas, Congressman Heflin has ever been a faithful and loyal champion of the interest of the cotton growers of the South; therefore, be it

Resolved, by the Senate, the House of Representatives concurring, that the Honorable J. T. Heflin be invited to address a joint session of the Senate and House at such time as may be convenient to him and that the President of the Senate and the Speaker of the House be directed to telegraph this invitation to the said Honorable J. T. Heflin.

BEE.
LATTIMORE.

The resolution was read and on motion of Senator Bee the same was adopted.

At Ease.

By unanimous consent the Chair, at 11:25 o'clock a. m., announced that the Senate would stand at ease for thirty minutes.

In the Senate.

The Senate was called to order by President Pro Tem. Smith.

Adjournment.

At 12:00 o'clock m. and on motion of Senator Clark, the Senate adjourned until 10:00 o'clock Monday morning.

APPENDIX.

Committee Report.

Senate Chamber,
Austin, Texas, Aug. 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred Simple Resolution No. 21, beg leave to report the following substitute:

Committee Substitute.

Whereas, At the Regular Session of the Thirty-fifth Legislature laws were passed establishing the West Texas A. & M. College, the Sul Ross Normal, Stephen F. Austin Normal, the South Texas Normal and several junior A. & M. colleges; and,

Whereas, Since the passage of these laws our country has become involved in war with certain foreign countries whereby a large number of young men will be drafted into the service, and which will necessarily decrease the attendance in our colleges and universities and which will lessen the demand for said normals and agricultural schools in this State; and,

Whereas, An extensive drouth has practically enveloped the entire State, resulting in poor crop conditions and bringing distress upon a large portion of our State population; and,

Whereas, Our State tax rate has already reached the constitutional limit and on account of extensive crop failures a large proportion of the people of the State are asking for aid and many of whom will be burdened to meet their present tax rate; therefore be it

Resolved, That the Senate of the State of Texas request that the Governor submit to the Legislature for their consideration the repeal of the laws passed at the Regular Session of the Thirty-fifth Legislature establishing the West Texas A. & M. College, the Sul Ross College, the Stephen F. Austin Normal College, the South Texas Normal College, and several junior A. & M. colleges.

Provided that nothing herein shall apply to the John Tarlton College at Stephenville, Texas, the Commerce Normal College at Commerce, Texas, and the Grubbs Vocational School at Arlington, Texas, as no request is made by this resolution to repeal the laws creating said schools. And provided further, that the request is made hereby for the Governor to submit to this Legislature the question of repealing of the law creating and making an appropriation for the Northwest Texas Insane Asylum and the act appropriating two million dollars for the aid of rural schools.

McCOLLUM, Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, August 20, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum